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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,718	05/10/2006	Scrivas Gutta	US030438	3421
24737 7590 09/30/2008 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER				
LEE, MICHAEL				
ART UNIT		PAPER NUMBER		
2622				
MAIL DATE		DELIVERY MODE		
09/30/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/578,718

**Applicant(s)**

GUTTA ET AL.

**Examiner**

M. Lee

**Art Unit**

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-24 is/are rejected.
- 7) ☒ Claim(s) 5, 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 17-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claimed computer program product does not define any structural and functional interrelationships between the computer program and other claimed aspects of the invention which permit the computer program's functionality to be realized.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 7-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (5,287,172) in view of Forler et al. (5,327,176).

Regarding claim 1, Lee discloses an automatic on-screen color converting circuit showing a step determining (Y'), a step of detecting (30), and a step of adjusting (70). But Lee does not disclose the closed caption text as claimed. Instead, Lee shows a character generating part 50 for generating display data to an OSD generating part 60. Since no particular brand or format of the character generator is stated in Lee, the

character generating part 50 can be any conventional character generating means. Forler, from the similar field of endeavor, discloses a closed caption decoder 110 for providing closed caption text to an OSD processing means. Hence, it would have been obvious to one of ordinary skill in the art at the time that the invention was made to employ the closed caption decoder of Forler as the character generating part of Lee to perform the well known functions as claimed. It should be noted that the closed caption decoder in Forler also detects the display place position of the text (note OSDSEL output from OSD processor 120). The position information can be used as the Y' signal in Lee. As shown in Figure 2 of Lee, the R', G', and B' signals control or adjust the closed caption text signal Y'.

Regarding claim 2, the adjusted closed caption text above is combined with the video signal (note combiner 20) and displayed on the CRT.

Regarding claim 3, note detecting part 30.

Regarding claim 4, closed caption text includes brightness and color attributes (note OSD generating part 60).

Regarding claim 7, the AND gates and transistors in Figure 2 facilitates color selection for the OSD.

Regarding claim 8, the transistors in Figure 2 adjust the color signals R', G' and B' by a predetermined factor.

Regarding claims 9 and 10, Lee does not disclose the 50% predetermined factor as claimed. The examiner takes Official Notice that using transistors to control signal magnitudes are well known in the art. If the color signals of the OSD in Figure 2 are

needed to be controlled, it would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the transistors TR1-TR3 so that the amplitude of the color signals could adjusted. This can be done simply by adding a potentiometer to the base of the respective transistors.

Regarding claim 11, the Y' signal in Lee is the equivalent of the claimed transparent factor since it enables the visibility of the OSD text.

Regarding claims 12-24, in addition of above rejections, Lee does not teach the use of a processor or computer program means to carryout the aforementioned operations. Instead, the circuit of Lee is operated in analog domain. Although Lee is operated in analog domain, it could have been implemented to operate in digital domain for the following reasons:

1. A digital circuit is programmable, i.e. its operation is determined by a program stored in the processor's memory. This means the digital circuit can easily be changed without affecting the circuitry (hardware). An analog circuit can only be changed by redesigning the circuit.
2. Digital circuits are easily designed, tested and implemented on a general-purpose computer or workstation.
3. The characteristics of analog circuits (particularly those containing active components) are subject to drift and are dependent on temperature. Digital circuits do not suffer from these problems, and so are extremely stable with respect both to time and temperature.

4, Digital circuits are usually smaller in size since they are always implemented on extremely compact integrated chips, whereas the analog circuits are usually constructed on bulky circuit boards with discrete analog components.

5. Digital circuits always consume less power than the analog counterpart due to the smaller physical dimension of the digital circuits.

Therefore, in view of above, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Lee from operating in analog domain to digital domain so that the digital advantages can be realized. .

***Allowable Subject Matter***

5. Claims 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ross (5,418,576) shows a closed caption text contrast enhancer.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Lee whose telephone number 571-272-7349. The examiner can normally be reached on Monday through Thursday from 9 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran, can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/M. Lee/  
Primary Examiner  
Art Unit 2622